

REMARKS

Applicant replies to the Office Action mailed on August 4, 2009 within six months (and with a three month extension fee). Claims 1-19 are pending in the application and the Examiner rejects claims 1-19. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter is entered with these amendments. Applicant respectfully requests reconsideration of this application.

Interview

Applicant thanks the Examiner for the Examiner Interview conducted on January 11, 2010 with Applicant's counsel. In the interview, Applicant's counsel presented a proposed amendment to independent claim 1. Applicant's counsel explained that both of the cited references, U.S. Pub. No. 2004/0111370 ("Sailors") and Crane et al, U.S. Patent No. 7,313,543 ("Crane"), are designed to pay debts first, and then invest in savings/investments only when the funds submitted by the cardholder are first sufficient to cover the debts. In contrast, the proposed claim, which is presented in the amendments above, recites transferring a savings amount to a user savings account and analyzing debt obligations based upon the savings amount and income, in order to minimize the penalties that may be associated with the debt obligations.

Applicant thanks the Examiner for concluding that the proposed claim overcomes Sailors and Crane.

Rejections under 35 U.S.C § 103

The Examiner rejects claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over Sailors et al, U.S. Pub. No. 2004/0111370 ("Sailors") in view of Crane et al, U.S. Patent No. 7,313,543 ("Crane"). Applicant respectfully disagrees with these rejections, but Applicant presents claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

Sailors discloses a money management system that enables transferring money to a money management account (for bill paying purposes) and, if there "is excess", a discretionary fund account (Abstract). Sailors also discloses handling payments for a loan from the money

management account. The Saylor system further includes a bill pay system, an advanced messaging system, an accounting system and a loan authorization process.

Significantly, Saylor fails to disclose making a payment to the discretionary fund account regardless of debt obligations. As noted previously, the Abstract states that payments are made to the discretionary fund account “if [the money] is excess.” In fact, the use of the term “discretionary”¹ for the account that receives excess money is contrary to making payments to a savings account regardless of other obligations. The Saylor system is designed to prioritize the payment of debt obligations, in lieu of funding the discretionary account, “the customer may indicate during setup ... that if there should be insufficient funds from his payroll for a desired deduction, whether a partial payment or no payment should be made toward that deduction.” (Para. 0069).

Crane discloses an investment broker system “wherein the investment broker system includes an instruction arrangement database, payment hierarchy and an investment account.” (Abstract). The Crane system includes a cardholder database, a financial event database, an investment account, a billing system and a plurality of potential investments. Crane discloses receiving a payment from a cardholder, dividing the payment to first pay the entire credit card due amount, and only then allocate the remaining funds to investments.

Significantly, Crane fails to disclose making a payment to the investments regardless of debt obligations. Instead, Crane’s investment payment hierarchy determines allocations of funds to investments, only after the payment hierarchy determines payments to debt obligations (e.g., credit card bill). (Col. 10, Lines 38-46) “[B]ecause participation in the investment products is voluntary, if the cardholder does not submit a sufficient amount of additional funds to satisfy the intended allocation to the investment products, the collections system does not submit the cardholder account to the collections system and does not charge interest for the unpaid investment funds.” (Col. 10, Lines 55-61). In other words, similar to the Saylor system, the Crane system is designed to pay debts first and invest in savings/investments only after the funds submitted by the cardholder are sufficient to cover the debts.

¹ MS Word’s thesaurus lists “optional,” “flexible,” and “unrestricted” as synonyms to discretionary.

As such, Saylor and Crane, neither alone nor in combination, disclose at least the following, as recited by independent claim 1 (emphasis added), and as similarly recited by independent claims 18 and 19:

transferring, by the computer and based upon the user savings goal information and the user income information, a savings amount to a user savings account, wherein the savings amount is at least a portion of user income;

determining, by the computer, a plurality of penalties by analyzing, for each of the plurality of pending debt payments, a penalty associated with at least one of a payment amount and a payment timing;

determining, by the computer, **a payment hierarchy based upon the savings amount, the plurality of penalties and at least one of the payment information, the user savings goal information and the user income information** wherein the payment hierarchy minimizes the plurality of penalties ...


For at least these reasons, Applicant respectfully submits that none of the cited references, alone or in combination, disclose or contemplate all of the elements of independent claims 1, 18 and 19 and Applicant therefore respectfully submits that independent claims 1, 18 and 19 are allowable over the cited references.

Dependent claims 2-17 depend from independent claim 1, so dependent claims 2-17 are allowable over the cited references for the reasons set forth above, in addition to their own unique features, some of which are stated above.

In view of the above remarks, Applicant respectfully submits that all pending claims properly set forth that Applicant regards as his invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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